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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,199	06/17/2005	Kees Gerard Willem Goossens	NL021296 US1	2390
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BRIARCLIFF MANOR, NY 10510				
EXAMINER				
NGUYEN, MINH TRANG T				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,199

Applicant(s)

GOOSSENS ET AL.

Examiner

Minh-Trang Nguyen

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 11/13/08 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 4, 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(c), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1, 2, 4, 5, 7-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent No. to Spiegel et al (US 5,649,108) in view of Kramer et al (US 5,191,650).

Regarding claim 1, Spiegel et al disclose a method for determining the return path of a packet in a network, the network comprising a plurality of nodes and a plurality of links between the nodes, the method comprising the acts of sending a packet from a source node to a destination node, via at least an intermediate node (see **Figs. 1, 7A-7D, e.g., node A is a source node; nodes B, C, D, E, F are intermediate nodes. Node G is a destination node**), when the packet visits the intermediate node, storing information in the intermediate node for deriving a return path (see **col.10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet**), and when the packet is being returned to the source node using the stored information for deriving the return path, wherein the information stored in the intermediate node comprises an identifier of the packet and information that encodes an output port of the intermediate node to be used for returning the packet (see **col. 10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet, and VCI(i) corresponds to an identifier of the packet and OP/ID corresponds to information that encodes an output port of the intermediate node**).

Spiegel et al do not teach “wherein no information for deriving the return path is stored in the packet when the packet visits the intermediate node”.

Kramer et al teach the above recited limitations (see **col. 4, line 58 – col. 5, line 5, e.g., information in the control blocks are stored at the intermediate nodes for deriving the**

return path, wherein no information for deriving the return path is stored in the visited packet).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Kramer et al in Spiegel et al by using the information in the control blocks for deriving the return path as taught by Kramer et al. The suggestion/motivation would have been to reduce the packet size by reducing return path information stored in the packet.

Regarding claim 2, Spiegel et al disclose an act of storing information for deriving the return path in each node visited by the packet for deriving the return path, when sending the packet from the source node to a destination node. (see col.10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet).

Regarding claim 4, see similar rejection to claim 1. Furthermore, the network node shown in Fig. 2 includes an integrated circuit (see col.5, lines 42-62).

Regarding claim 5, see similar rejection to claim 2.

Regarding claim 7, Spiegel et al disclose that the network is a packet-switched network (see Fig. 1, col. 5, lines 37-42).

Regarding claim 8, Spiegel et al disclose that the packet is sent from the source node to the destination node using destination routing (see Fig. 2, Figs. 7A-7D, col. 5, lines 43-62).

Regarding claim 9, see similar rejection to claim 7.

Regarding claim 10, see similar rejection to claim 8.

Regarding claim 11, see similar rejection to claim 1.

Regarding claim 12, see similar rejection to claim 1.

Regarding claim 13, see similar rejection to claim 1. Spiegel et al further disclose the information stored in the intermediate node comprises an identifier of the packet and information that encodes an input port of the intermediate node (see col. 10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), IP/ID and VCI(o) for receiving a return packet and a NACK packet, and VCI(i) corresponds to an identifier of the packet and IP/ID corresponds to information that encodes an input port of the intermediate node).

Regarding claim 14, see similar rejection to claim 7.

Regarding claim 15, see similar rejection to claim 8.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Trang Nguyen whose telephone number is (571)270-5248. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM EST, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. N./
Examiner, Art Unit 2419

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2419